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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,055	02/03/2004	Reinhard Heinrich Hohensee	15962.0006USD1/IBM.004US	1532
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MERCHANT & GOULD PC			EXAMINER	
P.O. BOX 2903			KIM, PAUL	
MINNEAPOLIS, MN 55402-0903				
		ART UNIT	PAPER NUMBER	
		2169		
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		09/11/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,055

Applicant(s)

HOHENSEE ET AL.

Examiner

PAUL KIM

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the following communication: Request for Continued Examination filed on 1 February 2008.
2. Claims 1-17 and 26 are pending and present for examination. Claims 1 and 26 are in independent form.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 February 2008 has been entered.

Response to Amendment

4. Claims 1 and 26 have been amended.
5. Claim 18 has been cancelled.
6. No claims have been added.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **As per claim 18**, Applicant's amendment has been acknowledged. Accordingly, the rejection of claim 18 under 35 U.S.C. 112 is withdrawn.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-17 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Seto et al (U.S. Patent No. 5,546,572, hereinafter referred to as SETO), filed on 25 August 1992, and issued on 13 August 1996.

11. **As per independent claims 1 and 26**, SETO teaches:

A method for processing referenced objects, comprising:

referencing an object by selected indicia, the selected indicia being a globally-unique identifier or a globally-unique identifier and an object locator {See SETO, C17:L51-61, wherein this reads over "[w]ith this command, the latitude and longitude of Shinjuku Station are retrieved from the object table by using the object name as a search key"; and C18:L3-19, wherein this reads over "[t]he image table stores an image identification number of an image stored in the data file unit" and "image identification number of an image including an object having the latitude/longitude";

searching for the object by the selected indicia {See SETO, C17:L51-61, wherein this reads over "[w]ith this command, the latitude and longitude of Shinjuku Station are retrieved from the object table by using the object name as a search key";

downloading the object having the selected indicia {See SETO, C17:L62-65, wherein this reads over "[i]f the object name is present, the next image retrieving step 1010 is executed";

analyzing the downloaded object to identify the selected indicia of the downloaded object {See SETO, C17:L66-C18:L9, wherein this reads over "a sensed image 1030 shown in FIG. 29 is retrieved while referring to an image table shown in FIG. 28, and while checking the inclusion relation as to whether Shinjuku Station is included within the image";

capturing the object in persistent memory when the selected indicia is identified to include a globally-unique identifier {See SETO, C18:L43-45, wherein this reads over "if there is one image identification number, the corresponding image is transferred from the image file to an image display unit"; and C9:L46-58, wherein this reads over "the data file unit 200 stores image data and various tables associated with object images" and "various information stored in a disk unit 260".

12. **As per dependent claim 2**, SETO teaches:

The method of claim 1 wherein the referencing of the object is by an object name and the searching for the object is performed by object name {See SETO, C17:L51-61, wherein this reads over "[w]ith this command, the latitude and longitude of Shinjuku Station are retrieved from the object table by using the object name as a search key"}.

13. **As per dependent claims 3-17**, wherein the independent claim optionally recites "a globally-unique identifier" and "a globally-unique identifier and an object locator" and the present claims recite an object that is referenced with said identifiers, the claims will not be further considered nor will prior art be applied.

Response to Arguments

14. Applicant's arguments filed 1 February 2008 have been fully considered but they are not persuasive.

a. Rejections under 35 U.S.C. 102

Applicant asserts the argument that "Seto et al. fail to teach each and every element of claims 1 and 26 as amended. The Examiner respectfully disagrees and the Applicant is directed to the rejections of claims 1 and 26 as provided herein above.

Accordingly, the claim rejections under 35 U.S.C. 102 are sustained.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
Patent Examiner
Art Unit 2161

/pk/

/Neveen Abel-Jalil/

Supervisory Patent Examiner, Art Unit 2165